

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GE ZHANG	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
	:	
THE CHILDREN'S HOSPITAL OF	:	
PHILADELPHIA	:	NO. 08-5540

**ORDER**

**AND NOW**, this 14th day of March, 2011, having considered the parties' respective letter briefs addressing the propriety of a mixed-motive jury instruction on a Title VII retaliation claim (Doc. Nos. 43, 44), as well as Plaintiff's response letter (Doc. No. 46), is it hereby **ORDERED** that Plaintiff's motion for a mixed-motive jury instruction on Plaintiff's Title VII retaliation claim<sup>1</sup> is **DENIED**.

Plaintiff SHALL notify the Court and opposing counsel by March 21, 2011 as to his position regarding his withdrawn discrimination claims.

BY THE COURT:

/s/ L. Felipe Restrepo  
L. Felipe Restrepo  
United States Magistrate Judge

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<sup>1</sup>As discussed in more detail in the attached Memorandum, Plaintiff requested at oral argument that the Court rule, prior to the presentation of evidence at trial, on whether a mixed-motive instruction on Plaintiff's Title VII retaliation claim may be appropriate if warranted by the evidence. Defendant did not object to Plaintiff's request for a ruling on this issue prior to trial. The Court construes this request as Plaintiff's motion to include the aforementioned instruction in the charge to the jury at trial.